

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

CHRISTOPHER PROSSER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 98-6097-CV-SJ-FJG
	)	
DAVE WILLIAMS, et al.,	)	
	)	
Defendants.	)	
	)	

**ORDER**

Pending before the Court is Defendants' Motion in Limine (Doc. No. 366). Plaintiff filed no opposition to the pending motion. Defendants' motion (Doc. No. 366) is **GRANTED IN FULL**, as detailed below.

(1) Defendants seek to exclude any testimony, documents or other items relating to other civil rights suits filed against any of the defendants or other employees of the Missouri Department of Corrections, if any, or to any settlements or findings of liability therefrom, as any such evidence would be irrelevant. Having reviewed the submissions of the parties, the Court finds in favor of defendants as to this issue. Therefore, defendants' motion (Doc. No. 366) is **GRANTED** as it concerns other civil rights lawsuits.

(2) Defendants seek to exclude any testimony, documents or other items relating to disciplinary action taken against any of the defendants or their witnesses, if any, for any conduct of theirs unrelated to the events out which plaintiff's allegations arise, as any such evidence would be irrelevant. Having reviewed the submissions of the parties, the Court

finds in favor of defendants as to this issue. Therefore, defendants' motion (Doc. No. 366) is **GRANTED** as it concerns disciplinary action unrelated to the events out of which plaintiff's allegations arise.

(3) Defendants seek to exclude any testimony, documents or other items relating to other incidents, if any, wherein defendants are alleged to have failed to protect any other inmates, as any such evidence would be irrelevant. Having reviewed the submissions of the parties, the Court finds in favor of defendants as to this issue. Therefore, defendants' motion (Doc. No. 366) is **GRANTED** as it concerns incidents wherein defendants are alleged to have failed to protect other inmates.

(4) Defendants seek to exclude any testimony, documents or other items relating to any offers of settlement or offers of judgment made in this case, as any such evidence is barred by Fed.R.Evid. 408. Having reviewed the submissions of the parties, the Court finds in favor of defendants as to this issue. Therefore, defendants' motion (Doc. No. 366) is **GRANTED** as it concerns offers of settlement or judgment.

(5) Defendants seek to exclude any testimony, documents or other items relating to any witness or documents not identified on plaintiff's initial Rule 26 disclosures or seasonably supplemented before the close of discovery upon learning their identity. Having reviewed the submissions of the parties, the Court finds in favor of defendants as to this issue. Therefore, defendants' motion (Doc. No. 366) is **GRANTED** as it concerns witnesses or documents not identified before the close of discovery.

(6) Defendants seek to exclude any testimony, documents or other items relating to matters plaintiff agreed to supplement during his deposition taken on August 2, 1999, but has failed to do so before the close of discovery. Having reviewed the submissions of the

parties, the Court finds in favor of defendants as to this issue. Therefore, defendants' motion (Doc. No. 366) is **GRANTED** as it concerns supplementation to plaintiff's deposition not made before the close of discovery.

**IT IS SO ORDERED.**

/s/ FERNANDO J. GAITAN, JR.  
Fernando J. Gaitan, Jr.  
United States District Judge

Dated: October 18, 2005 .  
Kansas City, Missouri.